

U.S. Department of Justice



*United States Attorney
Southern District of New York*

86 Chambers Street
New York, New York 10007

August 11, 2023

BY ECF

The Honorable Arun Subramanian
United States District Judge
500 Pearl Street
New York, NY 10007

Re: *American Civil Liberties Union, et al. v. National Security Agency, et al.*,
23 Civ. 907 (AS)

Dear Judge Subramanian:

This Office represents the defendant agencies in this Freedom of Information Act (FOIA) case. I write respectfully to provide a status update, as directed by the Court's July 11, 2023 Order, ECF No. 33.

As noted in previous letters, the government previously identified a total of four records that it has agreed to treat as responsive to plaintiffs' request. The parties have now agreed on a set of search criteria that will satisfy Plaintiffs' request as to search scope. The parties will address adequacy questions related to the execution of the search, if any, once the search is completed using the agreed-upon criteria.

DOJ's National Security Division has conducted a preliminary search using these agreed criteria and has located three potentially responsive records. Other agencies are now working to confirm that no additional records exist. The parties are conferring about a timeline for processing these three records.

We respectfully propose that the parties provide the Court with a written status update in one month, or by September 14, 2023.

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We thank the Court for its attention to this matter.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By: /s/ Peter Aronoff
PETER ARONOFF
Assistant United States Attorney
Telephone: (212) 637-2697
Facsimile: (212) 637-2717
E-mail: peter.aronoff@usdoj.gov

Counsel for Defendants

cc: Counsel for Plaintiffs (via ECF)